

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85741

Joon Youb LEE, et al.

Appln. No.: 10/521,313

Group Art Unit: 1633

Confirmation No.: 9295

Examiner: Kevin KAI HILL

Filed: January 14, 2005

For: HER-2/ NEU DNA VACCINE HAVING ANTI-CANCER ACTIVITY

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement and Election of Species Requirement, dated December 15, 2006. In response to the Restriction Requirement, Applicant elects Group I, claims 1-16 for examination. Further, the Examiner has identified the application as containing claims directed to more than one distinct species. The Examiner has required the Applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes there are no generic claims. Applicants have been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicants elect Species (a) "a Her2/neu plasmid construct, wherein the human Her-2/new gene has the nucleotide sequence of SEQ ID NO:2" for examination on which claims 2-3 are readable.

Applicants further elect Species of GM-CSF as a cytokine.

Applicants submit that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicants reserve the right to file a Divisional Application directed to non-elected claims.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

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CUSTOMER NUMBER

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